

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of : Kladders, Heinrich et al. ) Art Unit: 3771  
Serial No. : 10/757,047 ) Examiner: Douglas, Steven O.  
Confirmation No. : 4842 ) Docket No.: 01-1449  
Filed : January 14, 2004  
For : Capsule for Taking an Active Substance which can be Inhaled

**VIA EFS**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPLICANT COMMUNICATION**

Sir:

In light of the duty of candor and good faith in practice before the Office, Applicant submits this Communication in order to notify the Office that the correct patent term adjustment is believed to be less than that indicated by the Office. Applicant notes that the Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed February 2, 2009, shows the patent term adjustment to date is 1233 days. Applicant submits the patent term adjustment to date should be 919 days.

Respectfully submitted,

Dated: February 27, 2009

s/Matthew B. Dernier/  
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